

Federal Defenders OF NEW YORK, INC.

52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director
and Attorney-in-Chief

Appeals Bureau
Barry D. Leiwant
Attorney-in-Charge

November 23, 2021

BY ECF

Honorable Laura Taylor Swain
Chief United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

**Re: *United States v. Gerald Scott*
No. 06-cr-988**

Dear Chief Judge Swain:

We write to request that Gerald Scott's surrender date, which is currently November 29, be extended until December 20.

Mr. Scott has been at liberty since January 5, 2018, when Your Honor released him after a thorough review of the facts and Mr. Scott's 11 years in prison. Now pending before the Court is Mr. Scott's motion for a sentence reduction to time served pursuant to 18 U.S.C. § 3582(c). *See* Docket Entry 117. That motion was filed on November 15. As of the filing of this letter, the government has not responded to the motion. This morning, Assistant United States Attorney Andrew Jones filed a notice of appearance in this case. *See* Docket Entry 118. After he did, we wrote him and AUSA Catherine Ghosh to learn if the government would be responding to the § 3582(c) motion and whether the government would consent to an extension of Mr. Scott's surrender date until December 20. As of the filing of this letter, we have not heard back.

Given the Thanksgiving holiday, we are moving now to extend Mr. Scott's surrender date. Given his unimpeachable conduct since his release, the many extensions of his surrender date, and the many reasons detailed in his § 3582(c) motion for reducing his sentence to time served – none of which the government has disputed – there is ample “good cause to further postpone his surrender date,” *United States v. Javed*, 2021 WL 2181174, at *5 (S.D.N.Y. 2021), to December 20.

Respectfully submitted,
s/ Matthew B. Larsen
s/ Jennifer E. Willis
Assistant Federal Defenders

cc: AUSAs C. Ghosh and A. Jones

The foregoing extension request is granted. Mr. Scott's surrender date is hereby extended until December 20, 2021. Docket entry no. 119 is resolved.

SO ORDERED. 11/23/2021 /s/ Laura Taylor Swain, Chief USDJ